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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,935	07/15/2003	Benjamin T. Gomez	47079-00211	6834
30223 7590 12/29/2006 JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			EXAMINER LANEAU, RONALD	
			ART UNIT 3714	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/29/2006	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

21

<b>Office Action Summary</b>	<b>Application No.</b> 10/619,935	<b>Applicant(s)</b> GOMEZ ET AL.	
	<b>Examiner</b> Ronald Laneau	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07152003;11102004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 13-20 and 25-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Loose et al (US 2002/0142832 A1).

As per claims 1 and 25, Loose discloses a gaming apparatus for conducting a wagering game (see abs.), comprising: a video screen for displaying a dynamic video image (see fig. 1, 11); and a structure for displaying non-video artwork (see fig. 1, 15), the video and non-video artworks being visually linked to form an integrated image associated with the wagering game, the structure covering a portion, but not all, of the video screen (page 1, [0013]; see fig. 1, 11).

As per claims 2-5, 26-29 and 31, Loose discloses an apparatus wherein the integrated image represents a randomly selected event of the wagering game (page 2, [0020]); wherein the non-video artwork includes stationary indicia (see fig. 1, 15); wherein the structure is selectively illuminated to vary in color.; wherein changes to the color of the structure are synchronized with changes to the video image (Loose inherently discloses such features because the color must be varied and synchronized as claimed).

As per claims 6 and 30, Loose discloses an apparatus wherein the video screen is included in an LCD display (page 2, [0016], lines 1-7).

As per claims 7, 8, 32 and 33, Loose discloses an apparatus of claim 1, wherein the structure exposes a portion of the video screen, the exposed portion having a non-rectangular shape (see fig. 1); wherein the structure is three-dimensional (inherent).

As per claim 13, Loose disclose a gaming apparatus for conducting a wagering game (see abs.), comprising: a video screen; a structure for displaying non-video artwork (see fig. 1, 15), the structure covering a portion, but not all, of the video screen; and a controller for generating a dynamic video image on the video screen (see fig. 2, 20), the video and non-video artworks being visually linked to form an integrated image associated with the wagering game (page 1, [0013]; see fig. 1, 11).

As per claims 14-17, Loose discloses an apparatus wherein the integrated image represents a randomly selected event of the wagering game (page 2, [0020]); wherein the non-video artwork includes stationary indicia (see fig. 1, 15); wherein the structure is selectively illuminated to vary in color.; wherein changes to the color of the structure are synchronized with changes to the video image (Loose inherently discloses such features because the color must be varied and synchronized as claimed).

As per claim 18, Loose discloses an apparatus wherein the video screen is included in an LCD display (page 2, [0016], lines 1-7).

As per claims 19 and 20, Loose discloses an apparatus of claim 1, wherein the structure exposes a portion of the video screen, the exposed portion having a non-rectangular shape (see fig. 1); wherein the structure is three-dimensional (inherent).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-12, 21-24 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al (US 2002/0142832 A1).

As per claims 9-12, 21-24 and 34-37, Loose does not explicitly disclose an apparatus and method wherein the structure is movable relative to the video screen; wherein the movable structure interacts with the video image; wherein the movable structure identifies one or more elements in the video image; wherein the structure includes a physical or virtual hole exposing an area of the video screen, the video image including an award in the area but it is a design choice to include all these elements in the structure as they are not patentably significant to the claimed invention.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Wells et al (US 2005/0037843 A1) disclose a three-dimensional image display for a gaming apparatus.
- Brown et al (US 7,018,293 B2) disclose a game and gaming machine with operative theme having element linking logic organization.

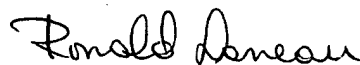
Art Unit: 3714

- Harkham (US 2002/0094869 A1) discloses methods and systems of providing real time on-line casino games.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau  
Primary Examiner  
Art Unit 3714

12/23/06